



08-04-04

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PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Request
for
Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/886,954
Filing Date	June 21, 2001
First Named Inventor	Maureen J. Charron
Art Unit	1642
Examiner Name	Gary B. Nickol, Ph.D.
Attorney Docket Number	96700/667

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☒ Consider the arguments in the Appeal Brief or Rely Brief previously filed on June 30, 2004
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply (Preliminary Communication) iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s) iv. ☒ Other cover letter and return receipt postcard

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-1785
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Any required fee to preserve the pendency of the application
- b. ☒ Check in the amount of \$ 385.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Alan D. Miller	Registration No. (Attorney/Agent)	42,889
Signature		Date	August 3, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. Express Mail No. EL 996363410 US

Name (Print/Type)	Alan D. Miller	Date	August 3, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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& EBENSTEIN LLP**

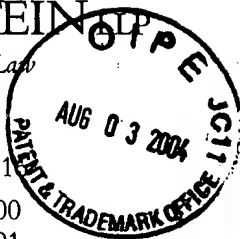
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August 3, 2004

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"Express Mail" mailing label No.	EL 996363410 US
Date of Deposit:	August 3, 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Alan D. Miller
Signature:	

Re: U.S. Patent Application No. 09/886,954
Title: NOVEL GLUCOSE TRANSPORTER/SENSOR PROTEIN
AND USES THEREOF
Inventors: Maureen J. Charron and Ellen B. Katz
Our File: 96700/667

Dear Sir:

Enclosed please find the following documents for filing with the above-identified utility patent application in the names of Maureen J. Charron and Ellen B. Katz, entitled "NOVEL GLUCOSE TRANSPORTER/SENSOR PROTEIN AND USES THEREOF," including the following:

1. Request for Continued Examination Transmittal (1 page);
2. Preliminary Communication (2 pages);
3. Check in the amount of \$385.00; and
4. a return receipt postcard.


August 3, 2004

Please acknowledge receipt of the enclosed papers by stamping the enclosed postcard and returning the same to us.

Very truly yours,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicants
90 Park Avenue
New York, New York 10016
(212) 336-8000

Dated: August 3, 2004
New York, New York

By: 
Alan D. Miller
Registration No. 42,889

ADM/rf
Enclosures



Dkt. No. 96700/667

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Maureen J. Charron and Ellen B. Katz
Serial No. : 09/886,954
Filed : June 21, 2001
For : NOVEL GLUCOSE TRANSPORTER/SENSOR
PROTEIN AND USES THEREOF
Art Unit : 1642
Examiner : Gary B. Nickol, Ph.D.

"Express Mail" mailing label No.	EL 996363410 US
Date of Deposit:	August 3, 2004
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Name:	Alan D. Miller
Signature:	

PRELIMINARY COMMUNICATION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Final Office Action was issued on June 16, 2004 in connection with the above-identified application. On June 30, 2004, applicants timely filed an Amendment in Response to the June 16, 2004 Final Office Action. On July 28, 2004, an Advisory Action was issued indicating that applicants' June 30, 2004 proposed amendments will not be entered because they raise new issues that would require further consideration by the Examiner. Applicants herewith file a Request for Continued Examination under 37 C.F.R. §1.114 in order to have the Examiner enter applicants' response filed June 30, 2004. The deadline for filing a Request for Continued Examination is September 16, 2004. Accordingly, this Preliminary Communication and Request for Continued Examination are being timely filed.

Applicants: Maureen J. Charron and Ellen B. Katz
Serial No.: 09/886,954
Filed: June 21, 2001
Page 2

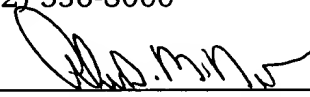
No fee, other than the enclosed \$385.00 fee for filing a Request for Continued Examination for a small entity, is deemed necessary in connection with the filing of this response. However, if there are unanticipated fees required to maintain the pendency of this application, the PTO is authorized to withdraw those fees from Deposit Account 01-1785. Overcharges may also be credited to Deposit Account 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicants
90 Park Avenue
New York, New York 10016
(212) 336-8000

Dated: August 3, 2004
New York, New York

By


Alan D. Miller, Reg. No. 42,889
Craig J. Arnold, Reg. No. 34,287